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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 001514

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NEA FOR FRONT OFFICE; NSC FOR ABRAMS/SINGH/WATERS

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SUBJECT: PALESTINIAN LEGISLATORS CONCERNED ABOUT PLC'S RELEVANCE

REF: A. JERUSALEM 1441

B. JERUSALEM 1463

Classified By: Consul General Jake Walles, Reasons 1.4 (b) and (d).

¶1. (C) Summary: The Fatah PLC bloc intends to boycott the July 22 PLC session called by the Hamas Acting Speaker. Fatah and independent PLC members say they are concerned about the future role of the PLC, given that the body has been unable to convene with a quorum while the new government is moving ahead without a PLC confidence vote. They said they support PM Fayyad's government but want the PLC to play a role in PA governance. End Summary.

FATAH BOYCOTTING HAMAS-CALLED PLC SESSION

¶2. (SBU) Acting Palestinian Legislative Council (PLC) Speaker Ahmad Bahar (Hamas) has called for a July 22 PLC session to vote on the PA government headed by PM Salam Fayyad. Hamas PLC deputy Salah al-Bardawil told Palestinian press July 19 that Hamas intends to use the session to vote no confidence in PM Fayyad's government.

¶3. (C) Fatah PLC bloc leader Azzam al-Ahmad told ConGen PolSpec on July 19 that the Fatah PLC bloc will boycott the session to prevent Hamas from achieving a quorum. (Note: Due to the number of Hamas deputies in Israeli prisons, Hamas cannot form a PLC quorum without Fatah participation. End note). Al-Ahmad says this will allow President Mahmud Abbas (Abu Mazen) to continue to rule by decree. Al-Ahmad said not all legal experts agree with his interpretation of Article 43 of the Basic Law (providing for presidential decrees), but said most Palestinians accept that PM Fayyad's government will continue to operate if the PLC fails to convene.

¶4. (SBU) Al-Ahmad said Abbas and his advisors are debating whether to leave Fayyad's government as is (the term "caretaker government" does not exist in the PA Basic Law), or to issue a decree confirming Fayyad's government until such time as the PLC can legally convene. Al-Ahmad explained that the debate is purely legal, as the government will continue to function in either case.

FATAH/INDEPENDENTS: PLC STILL HAS ROLE IN PALESTINIAN POLITICS

¶5. (C) Fatah PLC member Fuad Kokali warned PolOff on July 16 that the PLC will become irrelevant if it repeatedly fails to convene a quorum, and PLO institutions will become the dominant governing organs. Jerusalem Fatah PLC member Bernard Saballa echoed these concerns, telling PolOff that he fears marginalizing the PLC will undermine Palestinians'

confidence in democracy. He said the PLC is paralyzed until Hamas and Fatah reach an agreement, and he believes Palestinians have given up on the PLC because it has functioned so poorly. Saballa said he thinks the government is recovering under PM Fayyad, and if Fayyad maintains an image of clean governance he will generate popular support and legitimacy for his cabinet.

¶6. (C) Independent Jerusalem PLC member and PLO Executive Committee member Emil Jarjui told PolOff that President Abbas must work within the Basic Law to maintain the new government's legitimacy. He said the PLC is a necessary part of PA governance and needs to give the government a confidence vote. He argued that the July 18-19 PLO Central Council (PLO-CC) meeting, which endorsed Abbas' decisions, cannot replace the PLC.

Hamas: Not Ready to Break the Deadlock

¶7. (C) PLC member Bassam Salhi (Palestinian People's Party) told PolOff that Hamas' principal reason for boycotting PLC sessions July 11 and 14 and preventing a quorum was its fear of losing its Speaker and Deputy Speaker positions. Salhi believes this is of greater concern for Hamas than a confidence vote for the new cabinet. He said Hamas intends to wait for its legislators to be freed from Israeli prisons and then control the PLC to counter President Abbas' recent decisions. The solution, Salhi commented, "is neither continued rule by former PM Haniyah nor a government imposed by President Abbas, but rather a long-term strategy to preserve national unity and democracy.⁸

Comment

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¶8. (C) The Fatah PLC bloc appears generally unified in its support for President Abbas and for PM Fayyad's government. Both Fatah and Independent PLC members have a stake in maintaining the PLC's relevance (and their personal positions), however, and the PLC has historically resisted strong presidential control even in previous times when Fatah controlled both the presidency and PLC.

WALLES